

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:23-CV-51-BO-RN

THE STATE OF NORTH CAROLINA,)
)
 Plaintiff,)
)
v.)
)
THOMAS EVERETT, JR.,)
)
 Defendant.)

ORDER

This cause comes before the Court on the memorandum and recommendation (M&R) of United States Magistrate Judge Robert Numbers, II. [DE 7].

In February 2018, the state of North Carolina charged Thomas Everette Jr. with three counts of Obtaining Property By False Pretense. [DE 1-1] Everette removed those cases to this federal Court and motioned to proceed *in forma pauperis*. [DE 1].

The M&R recommended this Court grant plaintiff’s application to proceed *in forma pauperis* but remand the matter to the North Carolina Superior Court. [DE 7]. Everette filed a timely objection that can be quoted in full: “I Thomas Everette Jr. here by [sic] object to the recommendation and the memorandum by the United States Magistrate Judge.” [DE 8].


A district court must review *de novo* those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). But this Court need not conduct a *de novo* review for “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Everette failed to make a specific objection to the M&R, so this Court “must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted). The Court has reviewed M&R and finds no clear error. Accordingly, the Court ADOPTS the M&R in its entirety.

For the foregoing reasons, the memorandum and recommendation [DE 7] is ADOPTED. Everett's motion to proceed *in forma pauperis* [DE 3] is GRANTED, but the Clerk is DIRECTED to remand his state criminal cases back to North Carolina Superior Court.

SO ORDERED, this 6 day of June, 2023


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE